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**DECLARATION AND RESTRICTIONS FOR CANYON WOODS  
SUBDIVISION  
PHASE 2  
MACEDONIA, SUMMIT COUNTY, OHIO**

**THIS DECLARATION** is made of this 6<sup>th</sup> day of June, 2011 by the undersigned, Horizon Land Properties, LLC, a limited liability, hereinafter referred to as the "Developer", in consideration of the mutual promises and covenants herein contained, who has agreed and does hereby agree to encumber its real estate as defined in the attached legal description and the **Canyon Woods** Subdivision and collectively referred to as Canyon Woods herein, as follows:

**WITNESSETH:**

**WHEREAS**, The Developer is the owner of the real property described in Exhibit "A", attached hereto, and made a part hereof, which real property is commonly known as **Canyon Woods** Subdivision, Phase 2, Macedonia, Ohio ("The Properties") and intends for The Properties to be made subject to this Declaration of Covenants, Conditions, Restrictions and Easements as a residential community; and

**WHEREAS**, The Developer proposes to and does hereby establish for their own benefit and for the mutual benefit of all future Owners (hereafter defined) or Occupants of the Properties, certain conditions, restrictions, obligations, and benefits with respect to the use, occupancy, maintenance and ownership of The Properties, and certain easements, rights and encumbrances in The Properties; and

**NOW, THEREFORE**, The Developer declares that the real property described in Exhibit "A" is and shall be held, used, occupied, sold, conveyed or otherwise disposed of subject to the following restrictions, easements, obligations and benefits each of which shall run with The Properties and inure to the benefit of every Owner thereof and be binding on all parties having any right, title or interest in The Properties and every part thereof, and their distributees, heirs, executors, administrators, beneficiaries, successors and assigns and the City of Macedonia, (sometimes referred to as "Covenants and Restrictions" and sometimes as "Declaration").

**ARTICLE I  
DEFINITIONS**

AMERICAN TITLE AND TRUST

Order No. \_\_\_\_\_



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Kristen Scalise, Summit Co Fiscal Office



Section 1. The following words when used in this Declaration or any Supplemental Declaration (unless the context shall prohibit) shall have the following meanings:

- (a) "THE PROPERTIES" shall mean and refer to all of the real property described in Exhibit "A" known as **Canyon Woods** Subdivision, Phase 2, together with all easements benefiting the real property and all appurtenances.
- (b) "EASEMENT PROPERTIES" shall include the signage easement areas located on privately owned Lots near the entrance to the **Canyon Woods** Subdivision.
- (c) "LOT" shall mean and refer to any numbered subplot of land shown upon the recorded subdivision maps of The Properties and intended to be devoted to single-family residential use.
- (d) "OWNER" shall mean and refer to the record owner, whether one or more persons or entities of the fee simple title to any Lot or living unit, situated upon The Properties, but not withstanding any applicable theory of the mortgage, shall not mean or refer to the mortgagee unless and until such mortgagee has acquired title pursuant to foreclosure or any proceeding in lieu of foreclosure.
- (e) "DEVELOPER" shall mean Horizon Land Properties, LLC, its successors and assigns.

## ARTICLE II PROPERTY SUBJECT TO THIS DECLARATION

The real property which is, and shall be held, transferred, sold, conveyed and occupied subject to his Declaration consists of the residential sublots located in the City of Macedonia, County of Summit and State of Ohio which are more particularly described on the Exhibit "A" attached hereto and made a part hereof.

## ARTICLE III RESTRICTIONS

Section 1. All Sublots in said **Canyon Woods** Subdivision shall be known, described and used as residential lots with no dwelling other than a single one-family dwelling with at least a two-car attached garage, a minimum of 5/12 pitch roof, and such one-family dwelling shall not contain less than:





- A. One-Story Dwelling: 1,900 square feet of living space for a One-Story dwelling,  
exclusive of garages, basements, porches and breezeways.
- B. One and one-half Story Dwelling: 2,100 square feet of living space for a one and  
One-half story dwelling, exclusive of garages, basements, porches and  
breezeways.
- C. Two-Story Dwelling: 2,300 square feet of living space for a Two-Story dwelling,  
exclusive of garages, basements, porches and breezeways.

Any variance from the square footage requirements above shall be only with the Developers express written consent.

Section 2. Any structure built must have the prior review and approval of said plans in writing from Developer, its successors or assigns. It is understood that Developer is primarily interested in the exterior elevation of the structure and size thereof. Building permits will be issued only after the Developer, its successors or assigns, has approved the plans in writing with regard to the elevation and size of the structure to be built.

Section 3. Garage requirements for entire **Canyon Woods** Subdivision:  
Category I: Front or angled load garages  
Category II: Side or rear load garages

- A. **Canyon Woods** Subdivision not to exceed 50% of category I garages unless approved by city of Macedonia.
  - Maximum of 10 Home sites of category I unless approved by city
  - Minimum of 10 home sites of category II unless approved by city
- B. **Canyon Woods** Subdivision not to exceed (3) category I garage styles in a row on the same side of street unless approved by city.

Section 4. Developer reserves easements and rights of ways, within, over, under and across or otherwise shown on the Plat of **Canyon Woods** Subdivision, Phase 2 and /or parallel with and contiguous to all street lines for the installation, maintenance, repair and operation of underground gas lines if any, electric lines, telephone lines, storm and sanitary sewers, water lines and cable T.V. lines, and additionally, reserves the right to assign the use of said easements and rights of ways, or to grant underground easements for the same to the respective utility companies to service the subdivision. For the protection of underground electric cables, wires, lines and other facilities, where applicable, the grade or contour of the easement premises within said Subdivision shall not hereafter be increased, decreased or otherwise changed or altered without the consent of the appropriate utility company. This shall





constitute express notice that any change of grade or contour of the easement premises shall result in damage to said utility lines. Owner shall grant to developer an easement upon, across and under its property to construct the improvements necessary to obtain approval of the Canyon Woods Subdivision as proposed upon the Plat or as may be further required by the City of Macedonia or any other governmental entity.

Section 5. The use of simulated fireplace chimneys shall be permitted within the **Canyon Woods** Subdivision, Phase 2 as long as all exterior portions of chimneys shall be constructed of brick, stone or other natural products. Any direct vent chimney and/or furnace shall be vented to the side or rear of the house only.

Section 6. The Owner of each Lot shall be required to plant street trees per the City of Macedonia requirement. This is a minimum of two (2) trees per Lot, four (4) trees per corner Lot. Street trees must be planted each 40 feet, on the tree lawn. An Owner shall have one year from the date of first occupancy of a dwelling to complete the landscaping.

Section 7. Upon completion of each dwelling in the Subdivision, the Owner shall place at the street, a mailbox. To assure compatibility with the community theme, the developer will select mailboxes which will be provided at a reasonable cost. The post office may require that mailboxes be placed on only one side of the street.

Section 8. No building shall be constructed on any Lot unless its external design and color are in harmony with the other buildings of similar use located within The Properties and as required by the City of Macedonia and the Developer.

Section 9. No sheds shall be constructed on any Lot.

Section 10. Detached garages are permitted to be erected or placed on Lot. Detached garages shall be constructed in a manner to resemble the exterior of the dwelling on said Lot and shall be located as approved by the Developer and the City of Macedonia.

Section 11. During and after construction or installation of any improvement on a Lot, the Owner of that Lot shall cause the Lot to be kept free of unsightly accumulations of rubbish and scrap materials and shall cause all construction materials and any temporary structure to be maintained in a neat and orderly manner. All of those materials shall be removed from the Lot promptly after completion of the construction or installation. All construction shall comply with storm water pollution prevention utilizing the best management practices and permit requirements.

Section 12. No mobile homes, trucks, (except on truck not over  $\frac{3}{4}$  ton) trailers, boats, or other type of recreational vehicles, non-operational or stored cars (cars without a valid current license shall be deemed to be either non-operational or stored) shall be kept on The Properties unless they are housed inside a garage or other





structure attached to a house. Repairs to be made on vehicles or equipment shall be done inside a garage or other structure attached to a house, and then only with respect to cars owned by the owner of the Lot.

Section 13. The blockage of any natural drainage course or swale or changing of the grade of a Lot by Owner is expressly prohibited, and Developer reserves the right to enter onto the Lot to alter said changes to allow the natural free flow of the drainage at Owner's expense. Each Lot Owner must provide for the appropriate drainage of all water from their yard (i.e. rear yard drain.)

Section 14. No obnoxious or offensive activities shall be carried on or maintained on any Lot nor shall anything be done thereon which may be or become a nuisance or annoyance to the occupants of other residences in The Properties.

Section 15. Only wrought iron or aluminum resembling wrought iron fencing shall be permitted in the rear, behind the house. No fence that obstructs the view of the other properties shall be permitted. Setbacks are per the city of Macedonia requirements. Such location and type of fence must be approved in writing by the Developer and the City of Macedonia in advance of installation. The Developer, at his own discretion, reserves the right to disapprove the fencing which is deemed to be a nuisance and/or not in harmony with the home or neighboring properties.

Section 16. No clothes lines or other device for hanging clothes shall be permitted on lot.

Section 17. No above ground or portable pools of any kind shall be permitted on any of "the Properties" in the **Canyon Woods** Subdivision. In ground pools shall be permitted and will need to be fenced-in per the City of Macedonia requirements.

Section 18. Long term inspection, maintenance and repair for permanent stormwater management facility of **Canyon Woods** Subdivision is to be funded privately through the responsibility of lots 2-22 owners and/or future assigns.





**ARTICLE IV  
APPROVALS**

The undersigned Declarant has hereunto set its hand at Macedonia, Ohio, its Managing Member hereunto authorized for the uses and purposes hereinabove set forth, this 6<sup>th</sup> day of June, 2011.

Signed in the Presence of:

Horizon Land Properties, LLC

Arthur W. Steele  
Print name: Arthur W. Steele

By: Paul S. Karnow  
Paul S. Karnow, Managing Member

SWORE TO BEFORE ME and subscribed in my presence this 6<sup>th</sup> day of June 2011.



GAYLE L. STEELE  
Notary Public  
In and for the State of Ohio  
My Commission Expires  
January 26, 2012

Gayle L. Steele  
Notary Public

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Prepared By: Horizon Land Properties, LLC



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**LEGAL DESCRIPTION EXHIBIT "A"**

***Situated in the City of Macedonia, County of Summit and State of Ohio: And known as being lots Numbers 2, 3, 4, 5, 6, 7, and 8 of Canyon Woods Phase Two and recorded in Summit County Reception # 55782419 of Summit County Records. Be the same more or less but subject to all legal highways.***



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